HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3407 of 2001(MS)
(Old no. 13202/89)

Shamshad Ahamem — Petitioner

Versus

District Judge, Dehradun & others — Respondents

Dated: 6.12.2004

Hon. Rajesh Tandon, J.

By the present writ petition the petition has prayed for quashing the order dated 30.6.1989 as well as order dated 16.7.1987.

Briefly stated, that vacancy was declared in respect of a portion of premises No. 101 Bucher Khana, Landour, Mussorrie in which the petitioner has claimed himself to be the sitting tenant. Release application was moved by the respondent no.3, which was allowed on 16.7.1987. A revision was also preferred against the said order, which was also dismissed. The revisional Court has recorded a finding that the petitioner himself has sent the intimation to the R.C. & E.O. regarding vacancy under section 15 of the Act No. 13 of 1972. On inquiry it was revealed that Samshad Ali has already vacated the accommodation. Both the courts below have passed the order treating the accommodation to be vacant. I find no infirmity in the order passed by the courts below.

The file has been transferred from Allahabad High Court. None appears for the parties. It appears that by efflux of time

the writ petition has become infructuous. The writ petition is dismissed. However, liberty is given to the petitioner to move application for recalling of the order, if the cause of action is still survived.

(Rajesh Tandon, J.)

6.12.2004
*Dhyani